

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Re:

BH S&B HOLDINGS LLC, *et al.*

Debtors.

Chapter 7, formerly Chapter 11

Case No. 08-14604 [MG]

Jointly Administered

Application for a fifth and final
allowance of fees for accountants for
the Official Committee of Unsecured
Creditors

FEES AND EXPENSES APPLICATION
COVER SHEET

Name of Applicant: CBIZ Accounting, Tax and Advisory of New York, LLC

Authorized to Provide Professional Services to: The Official Committee of Unsecured Creditors of BH S&B Holdings LLC, et al.

Date of Retention: December 19, 2008, effective as of December 1, 2008¹

Period for Which Compensation and Reimbursement is Sought: October 1, 2010 through November 16, 2010

Amount of Compensation Sought: \$8,733.00

Amount of Expense Sought: \$194.64

Total Amount of Fees and Expenses Requested: \$8,927.64

Amount of Compensation Paid as Actual, Reasonable and Necessary: \$475,721.34

Amount of Reimbursement Paid as Actual, Reasonable and Necessary: \$1,691.25

No Retainer Has Been Paid to this Applicant

This is an: Interim ☒ Final

¹ On June 17, 2009, the Court approved an Order authorizing the employment and retention of CBIZ Accounting, Tax & Advisory of New York, LLC as accountants to the Unsecured Creditors' Committee, to succeed Mahoney Cohen & Company, CPA, P.C., from as of to January 1, 2009. CBIZ Accounting, Tax & Advisory of New York, LLC has requested the right to, on behalf of Mahoney Cohen & Company, CPA, P.C., apply for the allowance of fees and reimbursement of expenses incurred by Mahoney Cohen & Company, CPA, P.C., as accountants to the Unsecured Creditors' Committee through December 31, 2008.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Re:

BH S&B HOLDINGS LLC, *et al.*,

Debtors:

Chapter 7, formerly Chapter 11

Case No. 08-14604 (MG)

Application for a fifth and final allowance of
fees for accountants and financial advisors
to the Official Committee of Unsecured
Creditors

(Jointly Administered)

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

CBIZ ACCOUNTING, TAX & ADVISORY OF NEW YORK, LLC ("CBIZ") hereby applies to the court for a fifth and final allowance of fees and expenses, and represents as follows:

1. On November 19, 2008, (the "Petition Date"), BH S&B Holdings LLC, et al. filed in this court a petition for relief under Chapter 11 of Title 11 of the United States Code. On November 16, 2010, the Court approved a motion converting the Chapter 11 Case to Chapter 7.
2. BH S&B Holdings LLC, et al., a limited liability company organized and existing under the laws of the State of New York. The executive office was located at 12 Harbor Park Drive Port Washington, NY 11050.
3. By Order dated on or about December 19, 2008, the Court approved the retention of Mahoney Cohen & Company, CPA, P.C. as accountants and financial advisors to the Official Committee of Unsecured Creditors effective as of December 1, 2008. On June 17, 2009, the Court approved an Order authorizing the employment and retention of CBIZ Accounting, Tax & Advisory of New York, LLC nunc pro tunc as of January 1, 2009 (as successor to Mahoney Cohen & Company, CPA, P.C.).
4. The engagement of CBIZ is under the direct supervision of Charles M. Berk, CPA, a managing director of the firm with familiarity in the bankruptcy and insolvency area of accounting and auditing.
5. CBIZ maintains records of time it expended in the rendition of all professional services. The firm's time records were made concurrently with the rendition of professional services, and all such records are available for inspection. Exhibit A-1 hereto sets forth a schedule showing the name, position, hours worked from October 1, 2010 through November 16, 2010, hourly billing rate and dollar amount of services rendered for all professionals of CBIZ having devoted time to this case. Exhibit A-2 hereto is a summary of the services rendered, by professional, for each project category. Exhibit A-3 hereto is a breakdown of all professionals' daily time details, by project category.

6. Following is a description of the firm's services provided to the Unsecured Creditors' Committee ("Committee") along with the aggregate time expended by category:

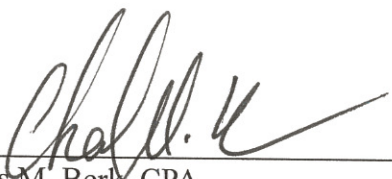
	<u>Hours</u>	<u>Amount</u>
A <u>ASSET ANALYSIS AND RECOVERY – PREFERENCE ANALYSIS</u>	9.6	3,343.00
Review of available information provided by the Debtor and Counsel to assist in preparing a potential preference analysis. Preparation of a preliminary preference analyses. Discuss outstanding preference issues with Counsel and potential preference contingency consultants. Review, consolidate, and locate address information for potential preference vendors per request of Counsel.		
B <u>TELECONFERENCES/MEETINGS – COMMITTEE OF UNSECURED CREDITORS/COUNSEL</u>	6.1	3,209.00
Preparation for, and attendance at, meetings and teleconferences with the Committee and Committee Counsel. Discussed on-going case matters, strategy, the Debtors' financial condition, administration and priority claims, and the investigation of chapter 5 claims, inclusive of a preliminary preference analysis. Also discussed, along with the Secured Lender's Counsel, potential settlements.		
C <u>FEE APPLICATION</u>	5.7	2,181.00
Preparation of the fourth interim fee application for the January 1, 2010 through September 30, 2010 period. Preparation of time detail for the period September 2010 through October 2010 in advance of the final fee application.		
	<u>21.4</u>	<u>\$8,733.00</u>

7. The total time, hours and dollars expended by shareholders and other professional staff of CBIZ Accounting, Tax & Advisory of New York, LLC for the period October 1, 2010 through November 16, 2010 in performing the work described above in paragraph 6 is as follows:

	<u>Hours</u>	<u>Amount</u>
Managing Directors and Directors	11.1	\$ 8,815.50
Managers	3.0	870.00
Senior and Staff	7.3	2,047.50
	<u>21.4</u>	<u>\$ 8,733.00</u>

The total blended hourly rate for professional services is \$408.08.

8. Applicant makes this fifth and final application for allowance of fees in the total amount of \$8,733.00, which it deems to be fair and reasonable, and submits that all professional services for which fees are sought were necessary in performing its fiduciary obligations in connection with these matters.
9. Reimbursement of expenses: The Applicant has disbursed sums for actual and necessary expenses in the rendition of professional services in this case, and requests that it be reimbursed for out-of-pocket expenses aggregating \$194.64, listed in Exhibit B. In addition, CBIZ is requesting court approval re: the payment of its unpaid expense reimbursement from its prior interim fee application in the amount of \$58.61.
10. Wherefore, Applicant respectfully requests this court to grant total compensation in the amount of \$8,733.00, and for reimbursement of out-of-pocket expenses in the amount of \$194.64.
11. Wherefore, Applicant respectfully requests this court to grant this application for final allowance of compensation in the aggregate sum of \$729,345.25, less the sum of \$475,721.34 received on account for a balance owed in the sum of \$253,623.91 and for reimbursement of expenses in the sum of \$1,944.50, less the sum of \$1,691.25 received on account with \$253.25 balance owed for the period through November 16, 2010. All prior applications are attached as Exhibit D.



Charles M. Berk, CPA

Sworn to and subscribed to before
me this 16 day of March, 2011



Notary Public

MARIANNE M. N. JENSEN
Notary Public, State of New York
No. 02JE5040656
Qualified in New York County
My Commission Expires March 20, 2011

EXHIBIT A-1

BH S&B HOLDINGS LLC, *et al.*

TIME SUMMARY

October 1, 2010 through November 16, 2010

UCC of BH S&B Holdings d/b/a Steve & Barry's
Professional Time Summary
October 1, 2010 through November 16, 2010

Initial	Name	Title	Rate	Time	Amount
CMB	Charles Berk	Managing Director	\$ 540.00	9.0	\$ 4,860.00
BR	Brian Ryniker	Director	\$ 455.00	2.1	955.50
RL	Rob Loh	Manager	\$ 290.00	3.0	870.00
GS	Gennady Spivak	Associate	\$ 285.00	5.1	1,453.50
JJG	John Gervais	Associate	\$ 270.00	2.2	594.00
Total				21.4	\$ 8,733.00

EXHIBIT A-2

BH S&B HOLDINGS LLC, *et al.*

DAILY TIME BY PROFESSIONAL
BY CATEGORY

October 1, 2010 through November 16, 2010

UCC of BH S&B Holdings d/b/a Steve & Barry's
Employee Time Detail Summary by Category & Individual
October 1, 2010 through November 16, 2010

Project Category	Name	Time	Fees
Asset Analysis and Recovery - Preference Analysis	Gennady Spivak	4.5	\$ 1,282.50
	Brian Ryniker	1.1	500.50
	Charles Berk	1.6	864.00
	Rob Loh	2.4	696.00
Asset Analysis and Recovery - Preference Analysis Total		9.6	\$ 3,343.00
Teleconferences/Meetings - UCC/Counsel	Brian Ryniker	1.0	\$ 455.00
	Charles Berk	5.1	2,754.00
Teleconferences/Meetings - UCC/Counsel Total		6.1	\$ 3,209.00
Fee Application Preparation	Gennady Spivak	0.6	\$ 171.00
	John Gervais	2.2	594.00
	Charles Berk	2.3	1,242.00
	Rob Loh	0.6	174.00
Fee Application Preparation Total		5.7	\$ 2,181.00
Grand Total		21.4	\$ 8,733.00

EXHIBIT A-3

BH S&B HOLDINGS LLC, *et al.*

DAILY TIME DETAILS
BY INDIVIDUAL

See attached details of all professionals' time from October 1, 2010 through November 16, 2010

UCC of BH S&B Holdings d/b/a Steve & Barry's
Employee Time Detail
October 1, 2010 through November 16, 2010

Date	Initial	Project Category	Explanation of Work Performed	Rate	Time	Fees
10/1/2010	CMB	Teleconferences/Meetings - UCC/Counsel	Committee conference call re: SJP litigation, outstanding professional fees, and status of administrative claims	\$ 540.00	0.50	270.00
10/6/2010	CMB	Teleconferences/Meetings - UCC/Counsel	Preparation of cash flow analysis through September 30, 2010. Distribute to Committee Counsel.	\$ 540.00	0.90	486.00
			Revised the comparative projected cash flow recovery analysis to include the most recent revisions made by R. Tetrault on 10/05. Prepare for distribution to the Committee	\$ 540.00	0.70	378.00
10/7/2010	GS	Asset Analysis and Recovery - Preference Analysis	Respond to B. Ryniker re: providing most current disbursement analyses for use in preference analysis	\$ 285.00	0.50	142.50
10/8/2010	BR	Asset Analysis and Recovery - Preference Analysis	Review of the documents and schedules prepared re: cash disbursements for use in preference analysis	\$ 455.00	0.70	318.50
		Teleconferences/Meetings - UCC/Counsel	Discussion with Counsel re: contingency preference consultant	\$ 455.00	0.30	136.50
10/12/2010	RL	Fee Application Preparation	Review and revise September 2010 time detail in advance of completing the forth interim fee application	\$ 290.00	0.60	174.00
10/14/2010	GS	Asset Analysis and Recovery - Preference Analysis	Locate, summarize and forward various preference documents to C. Berk and Counsel, including accounts payable records, disbursement records, and preliminary analyses	\$ 285.00	0.80	228.00
			Review of preference documents per additional request of Counsel. Respond accordingly.	\$ 285.00	0.50	142.50
	RL	Asset Analysis and Recovery - Preference Analysis	Follow up on request from B. Ryniker re: cash disbursements for use in preference analysis	\$ 290.00	0.20	58.00
10/19/2010	RL	Asset Analysis and Recovery - Preference Analysis	Follow up on request from Counsel re: J. Saccoduto emails	\$ 290.00	0.40	116.00
10/20/2010	CMB	Teleconferences/Meetings - UCC/Counsel	Committee conference call re: SJP litigation, outstanding professional fees, and status of administrative claims	\$ 540.00	0.50	270.00
			Preparation for and participation on conference call w/ Committee and Ableco Counsel to discuss settlement proposals	\$ 540.00	1.20	648.00
10/22/2010	BR	Teleconferences/Meetings - UCC/Counsel	Preparation for and attendance on Committee conference call re: preference recoveries	\$ 455.00	0.40	182.00
10/26/2010	BR	Teleconferences/Meetings - UCC/Counsel	Respond to questions from Counsel re: claims base	\$ 455.00	0.30	136.50
10/27/2010	CMB	Teleconferences/Meetings - UCC/Counsel	Committee conference call re: SJP litigation, outstanding professional fees, and status of administrative claims	\$ 540.00	0.50	270.00
10/28/2010	GS	Asset Analysis and Recovery - Preference Analysis	Review of items sent to Counsel re: preference work. Respond to questions re: supporting payments and accounts payable documents provided and follow-up documents. Prepare package of documents to send to ASK Financial.	\$ 285.00	0.50	142.50
	BR	Asset Analysis and Recovery - Preference Analysis	Respond to questions re: preference contingency consultants	\$ 455.00	0.40	182.00
	JJG	Fee Application Preparation	Update, review and revise the forth interim fee application for the period June 2010 through September 2010	\$ 270.00	0.60	162.00
	CMB	Asset Analysis and Recovery - Preference Analysis	Provided preference information and files to ASK Financial in advance of their proposal	\$ 540.00	0.70	378.00
11/1/2010	JJG	Fee Application Preparation	Final update of fourth fee application for the period June 2010 through September 2010 based on C. Berk's comments	\$ 270.00	1.30	351.00
	CMB	Fee Application Preparation	Final review of the fourth interim fee application and related time detail	\$ 540.00	1.60	864.00
11/3/2010	CMB	Asset Analysis and Recovery - Preference Analysis	Review and send preference information and files to Universal. Review of their proposal.	\$ 540.00	0.90	486.00
11/4/2010	GS	Asset Analysis and Recovery - Preference Analysis	Review certain preference documents and preliminary analyses to determine information to be forwarded to Universal	\$ 285.00	0.50	142.50
11/8/2010	CMB	Teleconferences/Meetings - UCC/Counsel	Preparation for, and participation on, Committee conference call re: potential conversion and preference issues	\$ 540.00	0.80	432.00
	RL	Asset Analysis and Recovery - Preference Analysis	Follow up on information availability questions	\$ 290.00	0.90	261.00
11/9/2010	RL	Asset Analysis and Recovery - Preference Analysis	Prepare documents/files to be sent to ASK Financial	\$ 290.00	0.90	261.00
11/10/2010	GS	Asset Analysis and Recovery - Preference Analysis	Review of ordinary course payments in the preference period. Prepare summary and revise per comments from C. Berk to send to the Committee. Review of available address information for the ordinary course payments and locate additional address information.	\$ 285.00	1.70	484.50
11/11/2010	GS	Fee Application Preparation	Follow-up review and revisions to the time details and project categories	\$ 285.00	0.60	171.00
11/12/2010	CMB	Fee Application Preparation	Review of the October 2010 time detail in advance of the fifth interim fee application	\$ 540.00	0.70	378.00
11/15/2010	JJG	Fee Application Preparation	Revise October 2010 time detail based on C. Berk's comments	\$ 270.00	0.30	81.00
Grand Total					21.40	\$ 8,733.00